

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26472 of 2026

Arising Out of PS. Case No.-48 Year-2025 Thana- GHOSI District- Jehanabad

Sunil Kumar S/o Lalkeshwar Yadav Resident of village-Belai, Tola,
Chhatubigha, P.S-Ghosi, District-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jogendra Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2026 Heard Mr.Jogendra Kumar, learned counsel for the
petitioner and Mr.Sanjay Kumar Tiwary, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
04.03.2026 in connection with Ghosi P.S. Case No. 48 of 2025,
F.I.R. dated 28.01.2025 registered for the offence punishable
under Section Sections 20 and 22 of N.D.P.S.Act.

3. Recovery is of 03 Green Plants of Ganja about 14
Kg.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation
as alleged in the FIR is false and fabricated and the petitioner
has not committed any offence as alleged in the FIR. Further
submits that as per allegation in the FIR, recovery has been
made from the house of the petitioner. It appears from the



seizure list that three Green Plants of Ganja approximately 14 Kg of Ganja was recovered from the house of the petitioner and the entire village 108 Kg of Ganja Plants were recovered from the house of 08 accused persons including the petitioner. Learned counsel for the petitioner submits that the recovered contraband(Ganja) which was recovered from the house of the petitioner i.e. 14 Kg of Ganja which is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S.Act for grant of bail to the petitioner, apart from that, it appears from the seizure list that none of the family members of the petitioner has signed in the seizure list and it appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 04.03.2026.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, no one of the family members of the petitioner has signed in the seizure list and seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jehanabad in connection with Ghosi P.S. Case No. 48 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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